

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JUNE 1997 SESSION

<p><b>FILED</b></p> <p><b>August 15, 1997</b></p> <p><b>Cecil W. Crowson</b> Appellate Court Clerk</p>
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DANNY JOE COLE, )  
 )  
 APPELLANT, )  
 )  
 v. )  
 )  
 RICKY BELL, Warden, )  
 )  
 APPELLEE. )

No. 01-C-01-9608-CR-00333  
 Davidson County  
 J. Randall Wyatt, Jr., Judge  
 (Habeas Corpus)

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OPINION FILED: \_\_\_\_\_

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

# OPINION

The appellant, Danny Joe Cole (petitioner), appeals as of right from a judgment of the trial court dismissing his suit for the writ of habeas corpus. While the trial court addressed the merits of the grounds set forth in the petition, the court concluded the judgment was at best voidable, not void, and the remedy of habeas corpus was not available to the petitioner to attack the sentences previously imposed. In this Court, the petitioner contends the Tennessee Criminal Sentencing Reform Act of 1989 violates Article II, Section 2, the Separation of Powers Clause, of the Tennessee Constitution; and the Act is inconsistent with the determinate sentencing provisions contained in the Act.

After a thorough review of the record, the briefs submitted by the parties, and the law governing the issues presented for review, it is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals.

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JOE B. JONES, PRESIDING JUDGE

CONCUR:

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WILLIAM M. BARKER, JUDGE

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THOMAS T. WOODALL, JUDGE